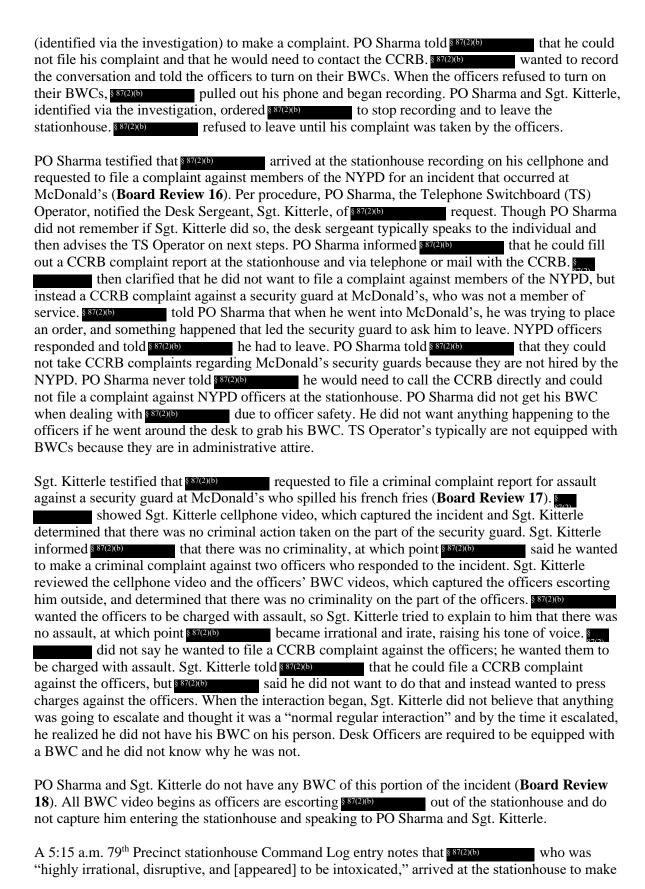
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	$\overline{\mathbf{V}}$	Force	V	Discourt.	U.S.
Ariana Thomas		Squad #16	202301667	V	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 N	Mo. SO	OL	Precinct:
Tuesday, 02/14/2023 3:05 AM, Tuesday, 02/14/2023 5:23 AM		79th Precinct stationhouse			8/1	4/202	4	79
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Tim	ne Reco	eived at CCI	≀B
Tue, 02/14/2023 10:50 AM		IAB	E-mail		Fri, 02/24	4/2023	4:05 PM	
Complainant/Victim	Туре	Home Addr	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO Victor Roopnarine	15175	957104	079 PCT					
2. PO Daniel Mucciaccio	04493	966728	079 PCT					
3. PO Colwin Benn	04104	972529	079 PCT					
4. Officers								
5. SGT Shawn Kitterle	03478	950689	079 PCT					
6. SGT Christopher Mcdonald	00320	951980	079 PCT					
7. PO Rmit Sharma	05367	970854	PSA9 VIPER3					
8. PO Sebastian Villa	06189	973020	079 PCT					
Witness Officer(s)	Shield N	lo Tax No	Cmd Name					
1. PO Helen Ramirez	21626	973689	079 PCT					
2. PO Austin Morales	18279	968014	079 PCT					
3. PO Louilly Taveras	24094	965559	079 PCT					
4. PO Christopher Atancuri	27941	968948	079 PCT					
Officer(s)	Allegati	on			Inv	estiga	ntor Recon	nmendation
A . PO Rmit Sharma		Abuse: Police Officer Rmit Sharma improperly used his body-worn camera.						
B . SGT Shawn Kitterle		Abuse: Sergeant Shawn Kitterle improperly used his bodyworn camera.						
C . PO Rmit Sharma	Abuse: I	Abuse: Police Officer Rmit Sharma did not process \$87(2)(0) complaint regarding officers.						
D . SGT Shawn Kitterle	Abuse: S	Abuse: Sergeant Shawn Kitterle did not process § 87(2)(b) complaint regarding officers.						
E . PO Sebastian Villa	Abuse: I § 87(2)(b)	Abuse: Police Officer Sebastian Villa threatened to arrest						
F . PO Rmit Sharma	Force: Porce: Po	Force: Police Officer Rmit Sharma used physical force against § \$7(2)(b)						
G . PO Sebastian Villa	Force: Police Officer Sebastian Villa used physical force against \$\frac{8}{87(2)(0)}\$							
H . PO Colwin Benn		Force: Police Officer Colwin Benn used physical force against \$\frac{87(2)(6)}{2}\$						
I . SGT Christopher Mcdonald	Abuse: Sergeant Christopher Mcdonald forcibly removed							

Officer(s)	Allegation	Investigator Recommendation
J . PO Victor Roopnarine	Force: Police Officer Victor Roopnarine used physical force against \$87(2)(b)	
K. Officers	Force: Officers used physical force against \$87(2)(6)	
L . SGT Christopher Mcdonald	Abuse: Sergeant Christopher Mcdonald searched § 87(2)(b)	
M . PO Victor Roopnarine	Discourtesy: Police Officer Victor Roopnarine spoke discourteously to \$87(2)(b)	
N . PO Victor Roopnarine	Discourtesy: Police Officer Victor Roopnarine spoke discourteously to \$87(2)(b)	
O. Officers	Abuse: Officers seized 887(2)(b) property.	
P . SGT Christopher Mcdonald	Abuse: Sergeant Christopher Mcdonald failed to provide with a business card.	
Q . SGT Christopher Mcdonald	Abuse: Sergeant Christopher Mcdonald threatened to remove to the hospital.	
R . SGT Christopher Mcdonald	Abuse: Sergeant Christopher Mcdonald threatened to arrest \$87(2)(6)	
S . PO Daniel Mucciaccio	Abuse: Police Officer Daniel Mucciaccio threatened to arrest	
T . SGT Shawn Kitterle	Abuse: Sergeant Shawn Kitterle threatened to arrest \$87(2)(b)	

Case Summary

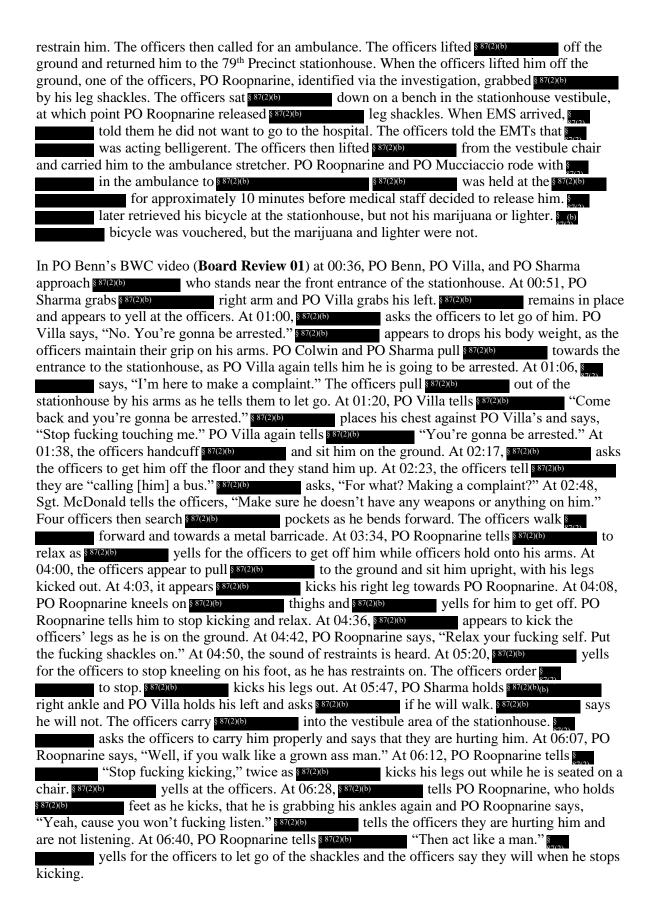
On February 14, 2023, \$87(2)(b) filed this complaint with IAB via telephone, which was received by the CCRB on February 24, 2023, under IAB Log #\$\$7(2)(6) went to the 79th Precinct On February 14, 2023, at approximately 3:05 a.m., \$87(2)(6) stationhouse to file a complaint. Police Officer Rmit Sharma and Sergeant Shawn Kitterle, of the 79th Precinct, did not activate their body-worn cameras ("BWC") and allegedly refused to file complaint (Allegation A-B: Abuse of Authority, \$87(2)(g) Police Officer Sebastian Villa, of the 79th Precinct. Abuse of Authority, \$87(2)(2) (Allegation E: Abuse of Authority, § 87(2)(6) threatened to arrest § 87(2)(6) PO Sharma, PO Villa, and Police Officer Colwin Benn, of the 79th Precinct, pulled out of the stationhouse (Allegations F-H: Force, \$87(2)(g) Sergeant Christopher McDonald, of the 79th Precinct, forcibly removed \$87(2)(6) The officers handcuffed hospital (Allegation I: Abuse of Authority \$87(2)(2) and PO Roopnarine held §87(2)(6) legs and shackles down (Allegation J: Force, Officers carried §87(2)(6) into the stationhouse to wait for an ambulance to arrive and carried him to the ambulance upon its arrival (Allegation K: Force, Sgt. McDonald instructed officers to search § 87(2)(b) (Allegation L: Abuse of Authority, \$87000 PO Roopnarine used profanity when ordering to stop kicking his legs (Allegation M: Discourtesy, serong) Roopnarine told § 87(2)(b) to act like a "grown ass man" (Allegation N: Discourtesy, Officers allegedly seized § 87(2)(6) marijuana and a lighter (Allegation O: Abuse of Authority, 887(2)(2) Sgt. McDonald failed to provide \$87(2)(6) with a business card (Allegation P: Abuse of Authority, SE/C)(2) On February 14, 2023, at approximately 5:23 a.m., \$87(0)(6) returned to the 79th Precinct stationhouse after he was released from the hospital to file a complaint. Sgt. McDonald ordered him to leave and asked \$ 87(2)(b) if he wanted to go back to the hospital (Allegation Q: Abuse of Authority, § 87(2)(g) Sgt. McDonald, Sgt. Kitterle, and Police Officer Daniel Mucciaccio, of the 79th Precinct, threatened to arrest § 87(2)(6) (Allegations R-T: Abuse of Authority, No arrest or summons resulted from these incidents. This complaint was originally assigned to Investigator David Wall and on August 22, 2023, was reassigned to Investigator Ariana Thomas. The investigation received 12 BWC videos (Board Review 01-12) and 79th Precinct stationhouse footage from the NYPD Legal Bureau (Board Review 13-14). The investigation is not in possession of any other video evidence. Findings and Recommendations Allegation (A) Abuse of Authority: Police Officer Rmit Sharma improperly used his bodyworn camera. Allegation (B) Abuse of Authority: Sergeant Shawn Kitterle improperly used his body-worn camera. Allegation (C) Abuse of Authority: Police Officer Rmit Sharma did not process complaint regarding officers. Allegation (D) Abuse of Authority: Sergeant Shawn Kitterle did not process complaint regarding officers. testified that he went to the 79th Precinct stationhouse to file a complaint about an incident involving officers that occurred at a McDonald's in Brooklyn (Board Review 15). entered the stationhouse and approached the front desk, where he asked PO Sharma

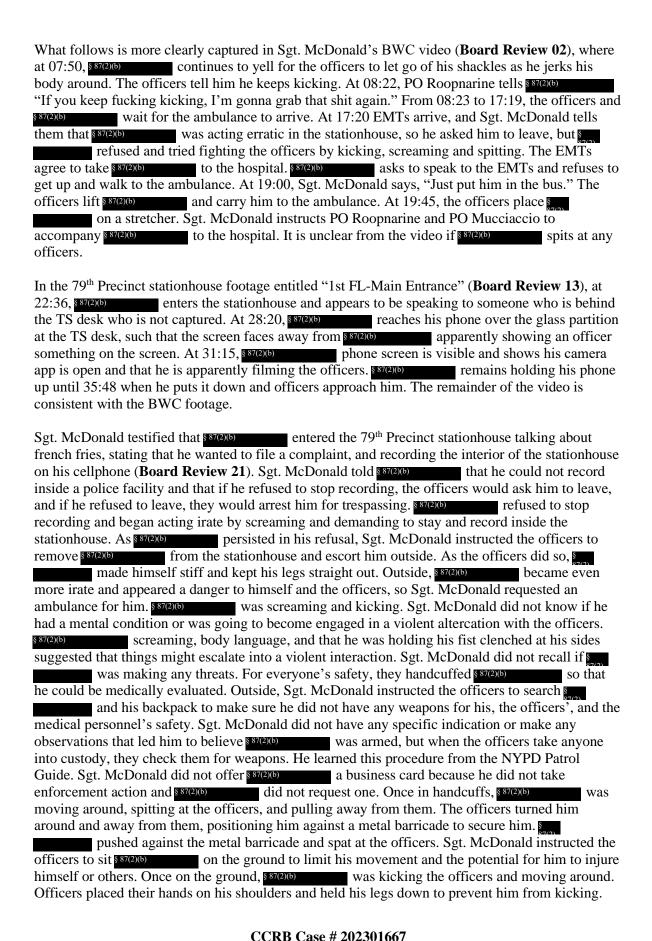


a complaint against McDonald's for an incident that occurred four days prior (**Board Review 19**). No additional information is provided.

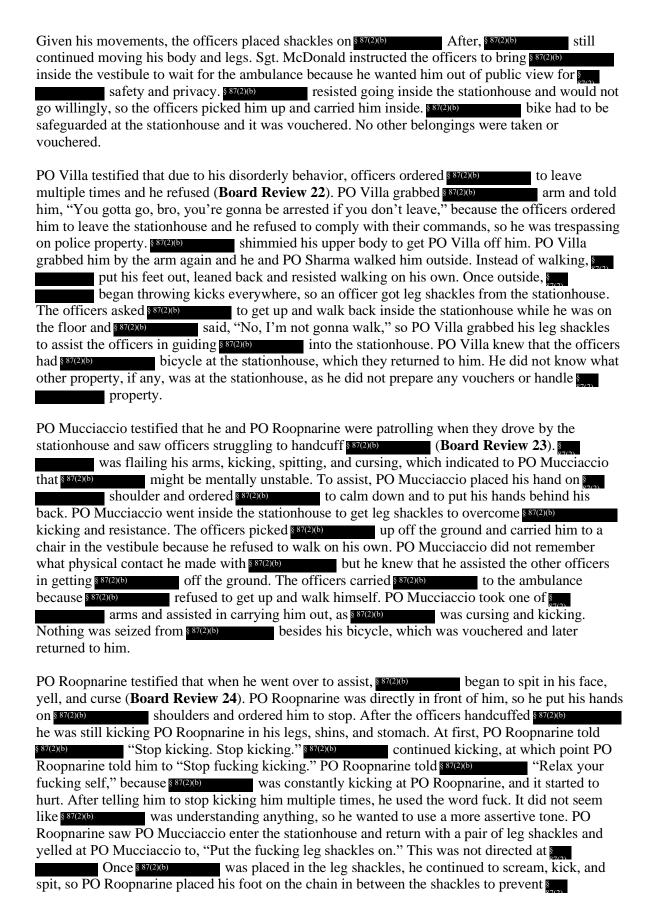
Officers are required to activate their BWC prior to engaging in any police action. Officers are to record any interactions that escalate to become adversarial or hold evidentiary value. Officers are to activate their BWC as soon as it is feasible and safe to do so after taking necessary action to preserve human health and safety, when an unanticipated or exigent occurrence takes place. Officers performing duty as desk officers, telephone switchboard operator and stationhouse security are required to wear their BWC while performing duty. NYPD Patrol Guide, Procedure 212-123 (Board Review 20).

PO Sharma and Sgt. Kitterle, who were assigned to TS operator and desk officer, respectively,
were required to have their BWCs on their person and activate them when the situation became
adversarial [88/Q/Q)
\$ 07/3/V-)
§ 87(2)(g)
Allegation (E) Abuse of Authority: Police Officer Sebastian Villa threatened to arrest
Allegation (F) Force: Police Officer Rmit Sharma used physical force against [53(2)6)
Allegation (G) Force: Police Officer Sebastian Villa used physical force against \$87(2)(6)
Allegation (H) Force: Police Officer Colwin Benn used physical force against
Allegation (I) Abuse of Authority: Sergeant Christopher Mcdonald forcibly removed \$87(2)(6)
to the hospital.
Allegation (J) Force: Police Officer Victor Roopnarine used physical force against [887(2)(6)]
Allegation (K) Force: Officers used physical force against §87(2)(6)
Allegation (L) Abuse of Authority: Sergeant Christopher Mcdonald searched
Allegation (M) Discourtesy: Police Officer Victor Roopnarine spoke discourteously to
Allegation (N) Discourtesy: Police Officer Victor Roopnarine spoke discourteously to \$87000
Allegation (O) Abuse of Authority: Officers seized \$87(2)(0) property.
Allegation (P) Abuse of Authority: Sergeant Christopher Mcdonald failed to provide \$87(2)(6)
with a business card.
testified that when the officers ordered him to stop recording and leave the
stationhouse, he refused. PO Villa (identified via the investigation) approached \$37000
grabbed him, and attempted to pull him out of the stationhouse. PO Villa's actions drew the
attention of at least four officers, who came to restrain \$87(2)(6)
out of the stationhouse, escorted him down the stationhouse steps while still grabbing
him, and held him in front of the main entrance. § \$700000000000000000000000000000000000
him go. While outside the stationhouse, the officers searched services pockets, stating that
they were looking for weapons. After the officers completed their search, an officer handcuffed
him. The officers guided him to the floor, where they placed \$87000 in leg shackles.
was not kicking at the officers, but he was verbally contesting the officers' attempts to

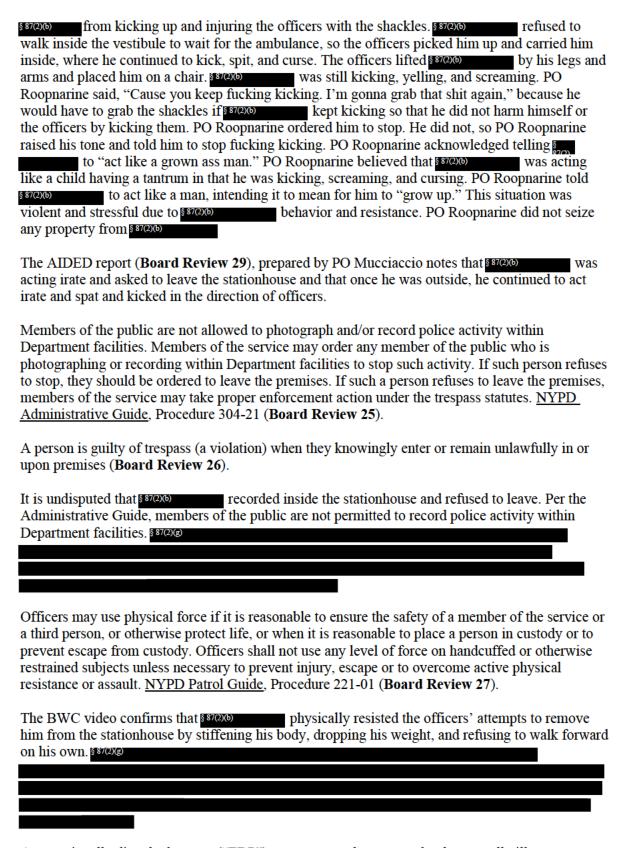




Page 5



CCRB CTS – Confidential Page 6



An emotionally disturbed person ("EDP") as someone who appeared to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably

believes is likely to result in serious injury to themselves or others. An officer must take into protective custody and have removed to the hospital in an ambulance, any person who appears to be mentally ill or emotionally disturbed because the person is conducting themself in a manner likely to result in serious injury to themselves or others. NYPD Patrol Guide, Procedure 221-13 (Board Review 28).

did not want to be removed to the hospital. Additionally, BWC video confirms that while had previously physically resisted leaving the stationhouse by tensing his body and refusing to move on his own, there was no indication that say. Was any danger to himself or others when Sgt. McDonald called for an ambulance, as was solely asking to file his complaint. The actions that Sgt. McDonald testified led him to believe say. Was an EDP began after Sgt. McDonald called for an ambulance and the officers informed say. When the would be going to the hospital.
BWC video confirms that after officers handcuffed he began kicking officers, and that after officers placed leg shackles on he continued kicking.
Furthermore, the video shows that refused to walk back inside the stationhouse to wait for the ambulance or to walk to the ambulance once it arrived, despite the officers' commands for him to do so.
Officers must maintain a higher standard of integrity than is generally expected of others and must render their services with courtesy and civility. NYPD Patrol Guide , Procedure 200-02 (Board Review 34).
Discourteous language may be excusable when an officer is speaking in the context of a dynamic situation over which he is still attempting to gain control. <u>DCT Case Number 2015-15012</u> (Board Review 30).
the BWC footage captures kicking his legs after the officers placed him in handcuffs and leg shackles, \$87000
PO Roopnarine telling (source) to "stop fucking kicking," and "relax your fucking self," (g)
While PO Roopnarine testified that he told was acting like a child and needed to grow up, per the <u>Patrol Guide</u> , officers are held to a higher standard of integrity than civilians seeds

When an EDP has been restrained, officers are to "remove property that is dangerous to life or will facilitate escape." NYPD Patrol Guide, Procedure 221-13 (Board Review 28).
Officers can frisk an individual if they have reasonable suspicion that the individual has a weapon. Officers may only enter the interior portions of a person's clothing or personal property if they felt an object that they reasonably suspect is a weapon or dangerous instrument for the purpose of removing the object. People v. De Bour, 40 N.Y. 2d 210 (Board Review 31).
Sgt. McDonald testified that he did not have any indication that save had any weapons on his person prior to instructing the officers to search him.
Officers are required to offer a business card upon the conclusion of law enforcement activities, including searches of persons or property, except in cases when a summons is issued, or an arrest is made.

CCRB CTS – Confidential Page 9

piece of paper. § 87(2)(b) says he has a disability and needs the officers to write it out for him
and forward it to CCRB. Sgt. McDonald says the officers are not allowed to fill it out and tells
officers, "Give him the phone number to call." [887(2)(b)] reiterates how the officers need to file
his complaint. At 03:00, Sgt. McDonald tells \$87(2)(b) he needs to take a seat and says,
"You're gonna go back to the hospital?" At 03:10, Sgt. McDonald orders \$87(2)(b) to leave
the stationhouse and instructs PO Sharma, PO Mucciaccio, PO Roopnarine, and PO Villa to escort
him out. At 03:15, \$87(2)(b) says he is not going anywhere. Sgt. McDonald says, "Well, then
you're gonna be arrested." says he would like to make his complaint and Sgt.
McDonald says, "Then you can make it from the cells." PO Mucciaccio orders \$87(2)(6) to
leave the stationhouse. § 87(2)(b) says he is trying to file a complaint. At 04:20, PO Mucciaccio
says, "Right now, you're not allowed to make your complaintWe're asking you to leave. You're
being disruptive and right now you're trespassing." At 04:50, \$87(2)(b) tells the officers they
need to fill out the form, as other precincts have. The officers say they cannot and order
to leave. He refuses. The officers hand \$87(2)(b) a complaint form and order him to
leave. At 05:58, \$87(2)(b) asks if he can make his complaint. PO Mucciaccio tells him, "You
can make it. Otherwise, you are going to be subject to arrest for trespassing, so it's one or the other.
You can leave right now and call the number to make the complaint, or you can get arrested for
trespassing. It's gonna be one or the other." At 06:15, PO Mucciaccio asks \$87(2)(b) "Are you
gonna leave right now on your own will or are you gonna be arrested for trespassing and spend the
day in the cells?" At 06:30, \$87(2)(6) says he is allowed to file the complaint at the
stationhouse. The officers offer to give \$87(2)(b) a phone number. \$87(2)(b) says he
wants to fill it out in person. At 07:23, PO Roopnarine tells \$87(2)(b) he needs to fill out the
form in his own handwriting. § 87(2)(b) says he has a disability and cannot write it. At 08:30,
Sgt. Kitterle tells [887(2)(b)] "Listen, you are going to be placed under arrest for trespassing."
At 08:48, Sgt. Kitterle says, "Do you want to be placed under arrest, or do you want to go on your
way? Fill out the form and drop it off." Sgt. Kitterle tells \$87(2)(6) there are many different
precincts he can go to. At 09:50, Sgt. McDonald tells \$87(2)(b) that an officer will sit with him
and fill out the complaint. says thank you. At 10:50, Sgt. McDonald instructs PO
Sharma to take \$87(2)(b) complaint and gives him instructions on how to do so. From 11:55
to 50:28, PO Sharma prepares a civilian complaint form with \$87(2)(6) and gives \$27(2).
a copy of it.

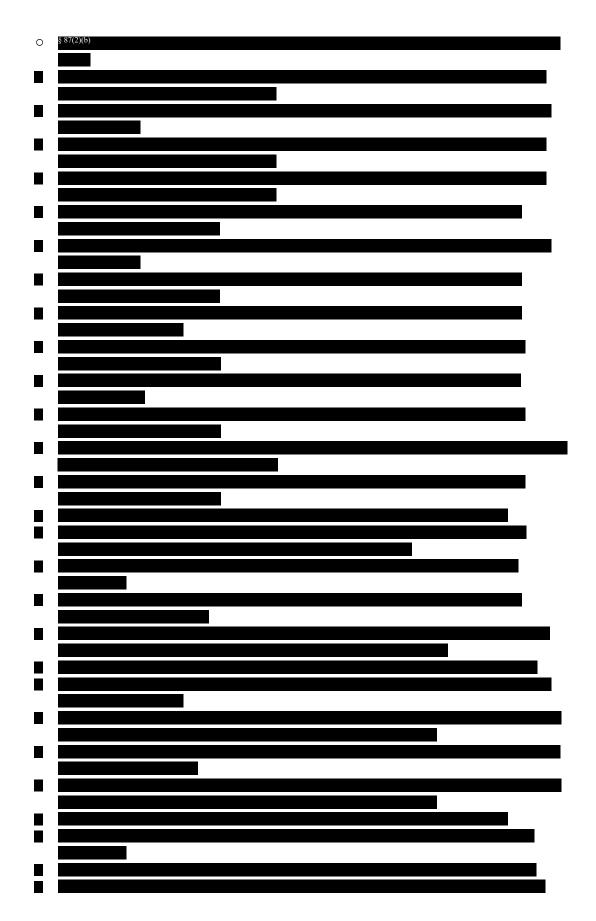
The stationhouse video is consistent with the BWC video (**Board Review 14**).

Sgt. McDonald testified that § 87(2)(6) returned to the stationhouse and began recording, as he held his hand over the area where the TS operator sits. §87(2)(b) requested to file a complaint again. §87(2)(6) was still aggravated and irate, in that he was screaming and demanding that he could record inside the stationhouse. Sgt. McDonald ordered \$87(2)(6) to stop recording and said if he refused to do so the officers would ask him to leave and that if he refused, he could be arrested for trespassing. Sgt. McDonald kept asking § 87(2)(b) to take a seat to try to calm him down, so they could do what he requested. §87(2)(6) persisted in his refusal to listen to the officers' commands and was acting irate, causing a scene and being disruptive to the functions inside the stationhouse so he told \$87(2)(b) he had to leave. He did not refuse to take his report. Civilians are allowed to file complaints inside the stationhouse. However, Sgt. McDonald believed that \$87(2)(6) would not have trusted the officers or accused them of writing false information. Sgt. McDonald told \$87(2)(b) he was going to go back to the hospital because was still acting irate, was not understanding what the officers were doing, and he did not think that § 87(2)(b) made any progress at the hospital. Sgt. McDonald spoke to Sgt. Kitterle and they made the collective decision to allow him to file his complaint at the stationhouse. Since the officers were able to calm \$87(2)(b) down, they allowed him to file his complaint at the stationhouse.

Sgt. Kitterle testified that he informed that he could be placed under arrest for trespassing after the officers had ordered him to leave the stationhouse. Sgt. Kitterle wanted to let him know the legal consequences of his actions, that he could be arrested for trespassing. The officers were only offering for to file his complaint elsewhere because he did not seem happy with them.
PO Mucciaccio testified that he reiterated what Sgt. McDonald said to telling that he needed to leave per Sgt. McDonald's lawful order and if he refused, he could be arrested for trespassing.
Members of the public are not allowed to photograph and/or record police activity within Department facilities. Members of the service may order any member of the public who is photographing or recording within Department facilities to stop such activity. If such person refuses to stop, they should be ordered to leave the premises. If such a person refuses to leave the premises, members of the service may take proper enforcement action under the trespass statutes. NYPD Administrative Guide, Procedure 304-21 (Board Review 25).
A person is guilty of trespass (a violation) when they knowingly enter or remain unlawfully in or upon premises (Board Review 26).
It is undisputed that recorded inside the stationhouse and refused to leave. Per the Administrative Guide, members of the public are not permitted to record police activity within Department facilities.
An emotionally disturbed person ("EDP") is someone who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to themselves or others. An officer must take into protective custody and have removed to the hospital in an ambulance any person who appears to be mentally ill or emotionally disturbed if the person is conducting themself in a manner likely to result in serious injury to themselves or others. NYPD Patrol Guide, Procedure 221-13 (Board Review 28).
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CCRB Case # 202301667

CCRB CTS - Confidential Page 11





O § 87(2)(b)					
		service for 11 years and has been which were substantiated.				
 PO Sharma has been a member of service for two years and this is the first CCRB complaint to which he has been a subject. PO Villa has been a member of service for two years and has been a subject in six CCRB complaints and 21 allegations, none of which were substantiated. § \$7(2)(2) 						
		service for nine years and has be none of which were substantiated				
• PO Mucciaccio has been a member of service for five years and has been a subject in one CCRB complaint and one allegation, which was not substantiated.						
Mediation, Civil, and Criminal Histories This complaint was not suitable for mediation. On April 23, 2024, a Notice of Claim inquiry was sent to the New York City Office of the Comptroller (Board Review 36). The results will be added to the case file upon receipt. [\$\$\frac{8}{2}(2)(3)\frac{1}{2}(3)\frac{1}						
Squad No.:	16					
Investigator:	Ariana Thomas	Inv. Ariana Thomas	04/30/2024			
	Signature	Print Title & Name	Date			
Squad Leader:	Patrick Yu	IM Patrick Yu	05/08/2024			
	Signature	Print Title & Name	Date			
Reviewer:						
	Signature	Print Title & Name	Date			